

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/894,497  
Filed: June 28, 2001  
Inventor(s):  
Darren Schmidt, Ram Rajagopal,  
Lothar Wenzel, Dinesh Nair  
  
Title: SYSTEM AND METHOD  
FOR CURVE FITTING  
USING RANDOMIZED  
TECHNIQUES

§ Examiner: Wachsman, Hal D.  
§ Group/Art Unit: 2857  
§ Atty. Dkt. No: 5150-52200

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

  
Jeffrey C. Hood  
Signature                    Date  
1/5/2005

37 C.F.R. 1.47 PETITION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The United States Patent and Trademark Office is respectfully requested to accept the above-referenced patent application pursuant to 37 CFR § 1.47(a). A Declaration has been signed by the inventors. In the original Declaration filed on June 28, 2001, Ram Rajagopal changed his citizenship from "USA" to "Brazil", but failed to initial and date the change. The Patent Office then requested Applicant to submit a new Declaration.

As shown in the Statement of Facts submitted herewith, the undersigned has made repeated attempts to contact Mr. Rajagopal via email, ordinary mail and Fedex mail, and has sent Mr. Rajagopal a Supplemental Declaration and Power of Attorney correcting the citizenship information. Mr. Rajagopal has not returned the Declaration despite repeated attempts to contact him. Applicant submits that Mr. Rajagopal cannot be reached. The remaining inventors submit the above-referenced patent application on behalf of themselves and on behalf of Mr. Rajagopal.

01/12/2005 SSITHIB1 00000137 501505 09894497

01 FC:1463 200.00 DA

The unavailable inventor's last known address is:

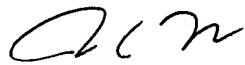
Ram Rajagopal  
39 Constitution Way  
South River, NJ 08882

A fee authorization form for the fee set forth in 37 CFR § 1.17(h) is enclosed herewith. If any further fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-52200/JCH.

Also enclosed herewith are the following items:

- Fee Authorization
- Statement Of Facts
- Return Receipt Postcard

Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey C. Hood  
Reg. No. 35,198  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
Date: 1/5/2005 JCH/MSW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application No.: 09/894,497  
Filed: June 28, 2001  
Inventor(s):  
Darren Schmidt, Ram Rajagopal,  
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Title: SYSTEM AND METHOD  
FOR CURVE FITTING  
USING RANDOMIZED  
TECHNIQUES

§ Examiner: Wachsman, Hal D.  
§ Group/Art Unit: 2857  
§ Atty. Dkt. No: 5150-52200  
§

§ I hereby certify that this correspondence is being deposited with  
§ the United States Postal Service with sufficient postage as first  
§ class mail in an envelope addressed to Commissioner for  
§ Patents, Alexandria, VA 22313-1450, on the date indicated  
§ below.

Jeffrey C. Hood  
 1/5/2005  
Signature Date

---

STATEMENT OF FACTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. I, Mark S. Williams, hereby state the following facts of which I have personal knowledge. The following facts are stated in support of the Petition under 37 C.F.R § 1.47 submitted herewith in regard to the above-reference patent application.
2. On June 28, 2001, our firm filed the above-referenced application with a Declaration in which Ram Rajagopal crossed out "USA" and wrote in "Brazil" for citizenship, but failed to initial and date the change.
3. On August 4, 2003, Ms. Geri Mosher of our firm sent an email, attaching a copy of a Supplemental Declaration and Power of Attorney, to Mr. Rajagopal at his former work email address (ram.rajamopal@ni.com), requesting signature and return of the declaration form. Mr. Rajagopal did not respond to this email and did not return the declaration form. Attached hereto as **Exhibit A** is a copy of the email sent to Mr. Rajagopal along with a copy of the Supplemental Declaration and Power of Attorney.

4. During the month of December of 2003, numerous emails were sent to Mr. Rajagopal requesting return of the signed Declaration, all to no effect. Attached hereto as **Exhibit B** is a copy of the December emails sent to Mr. Rajagopal

5. On March 16, 2004, I sent yet another email to Mr. Rajagopal requesting return of the signed Declaration. In response, that same day, Mr. Rajagopal requested that we send another copy of the Supplemental Declaration and Power of Attorney to him for signature. I then sent another copy of the Declaration to him. Mr. Rajagopal failed to return the signed document. Attached hereto as **Exhibit C** is a copy of the March 16 email exchanges with Mr. Rajagopal

6. On June 14, 2004, Ms. Jeannie Miranda of our firm sent yet another copy of the Supplemental Declaration and Power of Attorney to Mr. Rajagopal for signature. Mr. Rajagopal did not respond. Attached hereto as **Exhibit D** is a copy of the June 14 email sent to Mr. Rajagopal.

7. On September 13, 2004, I sent an email to Dinesh Nair, a former co-worker of Mr. Rajagopal's at National Instruments, requesting help contacting Mr. Rajagopal. On September 15, Dr. Nair emailed a postal address for Mr. Rajagopal to us:

Ram Rajagopal  
39 Constitution Way  
South River, NJ 08882

On October 23, 2004, Ms. Miranda sent an email to Dr. Nair requesting a more current email address for Mr. Rajagopal if there were one. Attached hereto as **Exhibit E** is a copy of the September and October email exchanges with Dr. Nair.

8. Also on October 23, 2004, Ms. Jeannie Miranda of our firm sent yet another copy of the Supplemental Declaration and Power of Attorney to Mr. Rajagopal for signature. Mr. Rajagopal did not respond. The email indicated that a hard copy of the Supplemental Declaration and Power of Attorney would also be sent by regular U.S. Mail, with a self-

addressed stamped envelope. On October 25, such a hard copy was sent to Mr. Rajagopal. Attached hereto as **Exhibit F** is a copy of the October 23 email sent to Mr. Rajagopal, as well as the letter and hard copy of the Declaration sent via U.S. Mail.

8. On December 6, 2004, Ms. Miranda sent another email to Dinesh Nair asking if he had managed to contact Mr. Rajagopal, and informing him of the January 8, 2005 deadline for filing the issue fee. Dr. Nair responded by email, indicating that he had sent Ram an email message and would let us know if Mr. Rajagopal responded. Attached hereto as **Exhibit G** is a copy of the December 6 email exchanges with Dr. Nair.

9. On December 29, 2004, Ms. Miranda sent another email to Dinesh Nair requesting a telephone number for Mr. Rajagopal. Dr. Nair responded, indicating that he knew of no telephone number for Mr. Rajagopal. Also on December 29, 2004, Dr. Nair sent an email to Mr. Rajagopal requesting that he sign and return the Declaration. Attached hereto as **Exhibit H** is a copy of the December 29 email exchanges with Dr. Nair.

10. Also on December 29, Ms. Miranda sent a letter and hard copy of the Supplemental Declaration and Power of Attorney via Overnight Mail by Federal Express. The package was delivered, but Mr. Rajagopal had signed a waiver that allowed the Fedex Courier to drop off the package without personal receipt by Mr. Rajagopal, and so Mr. Rajagopal may or may not have actually received the package. Attached hereto as **Exhibit I** is a copy of the December 29 Fedex package, receipts, and tracking information.

11. On December 29, Mark Brightwell of our firm left a voice mail message with a "Ramkumar Rajagopal" in Piscataway, NJ, asking if he were the Ram Rajagopal for which we were searching. On December 30, 2004, Ms. Miranda received a call from Ramkumar Rajagopal indicating that he was not the Ram we were searching for.

Attached hereto as **Exhibit J** is a copy of the email exchange documenting the above exchange with Mr. Ramkumar Rajagopal.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Mark S. Williams  
Reg. No. 50,658  
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800

Date: 12 - 5 - 2005 JCH/MSW

## **Mark Williams**

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**From:** Geri Mosher  
**Sent:** Monday, August 04, 2003 4:49 PM  
**To:** 'ram.rajagopal@ni.com'  
**Cc:** Mark Williams  
**Subject:** New Declaration and Power of Attorney for 5150-52200

Unfortunately the original Declaration and Power of Attorney had your citizenship as USA. Please print and sign the attached Supplemental Declaration and POA. Also fill in the city and state of residence, along with you current residence address and return to me at your earliest convenience. Thank you for your assistance.

Please let me know if you have any trouble printing the document. If you do, please send me your mailing address and I will mail you a form for signature.



Supple.DEC&P  
OA.522.doc

### **Geri Mosher**

Legal Assistant to Jeffrey C. Hood  
Meyertons Hood Kivlin Kowert & Goetzel PC  
700 Lavaca, Suite 800, Austin, Texas 78701  
Direct Dial: (512) 853-8821 Facsimile: (512) 853-8801  
Email: gmosher@intprop.com

NOTICE: The information contained in this electronic mail message and any attachments hereto is intended only for the personal and confidential use of the designated recipients. This message and any attachments hereto may constitute an attorney-client communication, and as such are privileged and confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this message in error, and that any review, dissemination, distribution or copying of this message and any attachments hereto is strictly prohibited. If you have received this message in error, please notify me immediately by telephone (512.853.8800).

**SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES**," the specification of which:

is attached hereto.  
 was filed on June 28, 2001 as Application Serial No. 09/894,497  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in 37 C.F.R. § 1.56.

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I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate listed below, or under § 365(a) of any PCT international application listed below designating least one country other than the United States of America, and have identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application No.</u>	<u>Country</u>	<u>Filing Date</u> (mm/dd/yy)	<u>Priority Claimed</u>	<u>Cert. copy Attached</u>
N/A				

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>Provisional Application No.</u>	<u>Filing Date</u> (mm/dd/yy)

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I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below, or under § 365(c) of any PCT international application listed below designating the United States of America, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Parent Application No.</u>	<u>Filing Date</u> (mm/dd/yy)	<u>Parent Patent No. (if applicable) or Status</u>
N/A		

The Assignee hereby revokes any previous Powers of Attorney and appoints Jeffrey C. Hood, Reg. No. 35,198, Kevin L. Daffer, Reg. No. 34,146, B. Noël Kivlin, Reg. No. 33,929, Robert C. Kowert, Reg. No. 39,255, Eric B. Meyertons, Reg. No. 34,876 and David A. Rose, Reg. No. 26,223, each said attorneys being members or associates of the firm of Conley, Rose & Tayon, P.C., as attorney or agent for so long as they remain with such company or firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent.

Please direct all communications to:

Jeffrey C. Hood  
Conley, Rose & Tayon, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Phone: (512) 476-1400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Darren Schmidt

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Cedar Park, TX Citizenship: USA

Post Office and Residence Address: 2408 Little Creek cove, Cedar Park, TX 78613  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Ram Rajagopal

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: \_\_\_\_\_ Citizenship: Brazil

Post Office and Residence Address: \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Lothar Wenzel

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Round Rock, TX Citizenship: German

Post Office and Residence Address: 16908 Bar Harbor Bend, Round Rock, TX 78681  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Dinesh Nair

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Austin, TX Citizenship: Indian

Post Office and Residence Address: 4533 Columbine Drive, Austin, TX 78727  
(Include number, street name, city, state and zip code)

## **Mark Williams**

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**From:** Geri Mosher  
**Sent:** Wednesday, December 31, 2003 9:57 AM  
**To:** 'ram.rajagopal@ni.com'  
**Cc:** Mark Williams  
**Subject:** FW: New Declaration and Power of Attorney for 5150-52200

Ram,

I have still not received the Dec/POA. Please let me know the status.

Geri

-----Original Message-----

**From:** Geri Mosher  
**Sent:** Friday, December 19, 2003 8:06 AM  
**To:** 'ram.rajagopal@ni.com'  
**Subject:** RE: New Declaration and Power of Attorney for 5150-52200

Ram,

I have not yet received the Dec/POA. Did you mail it?

Geri

-----Original Message-----

**From:** Geri Mosher  
**Sent:** Thursday, December 04, 2003 8:22 AM  
**To:** 'ram.rajagopal@ni.com'  
**Subject:** RE: New Declaration and Power of Attorney for 5150-52200

Ram,

Please just mail the original to me. It is better to file originals than faxes with the Patent Office. Thanks for your help.

Geri Mosher  
Legal Assistant to Jeffrey C. Hood  
Meyertons Hood Kivlin Kowert & Goetz PC  
700 Lavaca, Suite 800, Austin, Texas 78701  
Direct Dial: (512) 853-8821 Facsimile: (512) 853-8801  
Email: gmosher@intprop.com

-----Original Message-----

**From:** ram.rajagopal@ni.com [mailto:[ram.rajagopal@ni.com](mailto:ram.rajagopal@ni.com)]  
**Sent:** Tuesday, December 02, 2003 7:41 PM  
**To:** Geri Mosher  
**Subject:** Re: New Declaration and Power of Attorney for 5150-52200

Geri,

Could you please send me your fax number? I will forward this. Thanks,

Ram

## **Mark Williams**

---

**From:** Mark Williams  
**Sent:** Tuesday, March 16, 2004 11:17 AM  
**To:** 'ramrajagopal@ni.com'  
**Subject:** ram, PLEASE return the signed declaration for 52200!!!....

Ram,  
We really need you to mail us the signed declaration. Please, I beg of you, don't forget. If we need to email you another copy, just let me know.

Please respond by email, so we'll know if this reached you.

(Hope all is going well with you at there!)

Thanks!

Mark

**Mark S. Williams**  
Patent Agent  
Meyertons, Hood, Kivlin, Kowert and Goetzel, P.C.  
700 Lavaca, Suite 800  
Austin, TX 78701  
512.853.8825  
E-mail: mwiliams@intprop.com

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## **Mark Williams**

---

**From:** Mark Williams  
**Sent:** Tuesday, March 16, 2004 12:58 PM  
**To:** 'ramrajagopal@ni.com'  
**Subject:** RE: ram, PLEASE return the signed declaration for 52200!!!....



Supple.DEC&P  
OA.522.doc

Ram,

Thanks!!!! Here is another copy of the supplemental Dec/POA. Please sign and mail it back to us asap. If you have any questions, just email me, and we'll get it sorted out.

Mail to:

Jeannie Miranda  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Tx 78767-0398

Thanks again!

Mark

-----Original Message-----

From: ramrajagopal@ni.com [mailto:ramrajagopal@ni.com]  
Sent: Tuesday, March 16, 2004 12:41 PM  
To: Mark Williams  
Subject: Re: ram, PLEASE return the signed declaration for 52200!!!....

Mark,  
Could you please send it again? Sorry for the delay.

Ram

## **Jeannie Miranda**

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**From:** Jeannie Miranda  
**Sent:** Monday, June 14, 2004 3:51 PM  
**To:** 'ramr@EECS.Berkeley.EDU'  
**Cc:** Mark Williams  
**Subject:** FW: FW: ram, PLEASE return the signed declaration for 52200!!!....  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attached is another copy of the supplemental Dec/POA for your signature and return to us at your earliest convenience. Thank you.

Sincerely,  
Jeannie Miranda

-----Original Message-----

From: Mark Williams  
Sent: Tuesday, March 16, 2004 12:58 PM  
To: 'ram.rajagopal@ni.com'  
Subject: RE: ram, PLEASE return the signed declaration for 52200!!!....

Ram,

Thanks!!!! Here is another copy of the supplemental Dec/POA. Please sign and mail it back to us asap. If you have any questions, just email me, and we'll get it sorted out.

Mail to:

Jeannie Miranda  
Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.  
P.O. Box 398  
Austin, Tx 78767-0398

Thanks again!

Mark

-----Original Message-----

From: ram.rajagopal@ni.com [mailto:ram.rajagopal@ni.com]  
Sent: Tuesday, March 16, 2004 12:41 PM  
To: Mark Williams  
Subject: Re: ram, PLEASE return the signed declaration for 52200!!!....

Mark,  
Could you please send it again? Sorry for the delay.

Ram

## Jeannie Miranda

---

**From:** Jeannie Miranda  
**Sent:** Saturday, October 23, 2004 3:04 PM  
**To:** 'dinesh.nair@ni.com'  
**Cc:** Mark Williams  
**Subject:** RE: ram's signature for matter 5150-52200: random curve finding...  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Dinesh:

Attached is an email sent to Ram Rajagopal today. I sent the email to [rambr@yahoo.com](mailto:rambr@yahoo.com) and will send the paper correspondence on Monday to the address you provided below. If you know of a more current email for Ram, please let me know.

Thank you for following up with Ram on our behalf.

Sincerely,  
Jeannie

-----Original Message-----

**From:** Mark Williams  
**Sent:** Wednesday, September 15, 2004 10:00 AM  
**To:** Jeannie Miranda  
**Cc:** 'dinesh.nair@ni.com'  
**Subject:** FW: ram's signature for matter 5150-52200: random curve finding...

Jeannie,  
Would you please email and mail formal papers yet again to Ram?  
(and please email Dinesh when you do).

Just let me know if you have any questions.

Thanks!

Mark

-----Original Message-----

**From:** dinesh.nair@ni.com [mailto:[dinesh.nair@ni.com](mailto:dinesh.nair@ni.com)]  
**Sent:** Wednesday, September 15, 2004 9:58 AM  
**To:** Mark Williams  
**Subject:** Re: ram's signature for matter 5150-52200: random curve finding...

Mark,

Please send the papers for this application to Ram at:

Ram Rajagopal  
39 Constitution Way  
South River, NJ 08882

Let me know when you have mailed them to him. I'll follow up after that.

Thanks,  
Dinesh

"Mark Williams" <mwilliams@intprop.com>

09/13/2004 03:11 PM

To <dinesh.nair@ni.com>

cc

Subject ram's signature for matter 5150-52200: random curve finding...

Dinesh,

We have tried repeatedly to get Ram to sign formal papers for this application. We have emailed him the formals multiple times. He has been unresponsive. Would you please try to make this happen?

Thanks!

Mark

Mark S. Williams  
Patent Agent  
Meyertons, Hood, Kivlin, Kowert and Goetzel, P.C.  
700 Lavaca, Suite 800  
Austin, TX 78701  
512.853.8825  
E-mail: mwilliams@intprop.com

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## **Jeannie Miranda**

---

**From:** Jeannie Miranda  
**Sent:** Saturday, October 23, 2004 2:58 PM  
**To:** 'rambr@yahoo.com'  
**Subject:** Supplemental Declaration for 5150-52200

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

RE: U. S. Patent Application Serial No. 09/894,497 Entitled "SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES"  
-- Rajagopal et al. (Atty. Dkt. No. 5150-52200)

Dear Ram:

Attached is a Supplemental Declaration for your signature in the above-reference matter. Originally, you signed a Declaration for this patent application in June of 2001. At the Patent Office's request, we have updated the Declaration to reflect your correct citizenship and your current address. If you need to make any handwritten changes to the Supplemental Declaration, please be sure to initial those changes or the Patent Office will not accept the document.

Please return the signed Supplemental Declaration to us as soon as possible. For your convenience, I have also sent by regular U.S. Mail a copy of the Supplemental Declaration, along with a self-addressed stamped envelope, to you at the following address:

39 Constitution Way  
South River, NJ 08882

Please let us know if you have questions or need further information. Thank you very much for your kind cooperation.

Jeannie Miranda  
Legal Assistant to Jeffrey C. Hood



Supple.DEC&POA.5  
22.doc

Jeannie Miranda  
Legal Assistant to Jeffrey C. Hood  
Meyertons Hood Kivlin Kowert & Goetzel PC  
700 Lavaca, Suite 800, Austin, Texas 78701  
Direct Dial: (512) 853-8821 Facsimile: (512) 853-8801  
Email: jmiranda@intprop.com

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MEYERTONS  
HOOD  
KIVLIN  
KOWERT  
& GOETZEL  
A PROFESSIONAL CORPORATION

700 LAVACA, SUITE 800  
AUSTIN, TEXAS 78701-3102  
TELEPHONE (512) 853-8800  
FACSIMILE (512) 853-8801  
[www.intprop.com](http://www.intprop.com)

PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION  
[jmiranda@intprop.com](mailto:jmiranda@intprop.com)

5150-52200

October 25, 2004

Mr. Ram Rajagopal  
39 Constitution Way  
South River, NJ 08882

RE: U. S. Patent Application Serial No. 09/894,497 Entitled "SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES" --  
Rajagopal et al. (Atty. Dkt. No. 5150-52200)

Dear Ram:

Enclosed is a Supplemental Declaration for your signature in the above-reference matter. Originally, you signed a Declaration for this patent application in June of 2001. At the Patent Office's request, we have updated the Declaration to reflect your correct citizenship and your current address. If you need to make any handwritten changes to the Supplemental Declaration, please be sure to initial those changes or the Patent Office will not accept the document.

Please return the signed Supplemental Declaration to us as soon as possible. For your convenience, attached is a self-addressed stamped envelope. Thank you very much for your kind cooperation.

Very truly yours,

Jeannie Miranda  
Legal Assistant

/jam  
Enclosure

SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES**," the specification of which:

is attached hereto.  
 was filed on June 28, 2001 as Application Serial No. 09/894,497  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in 37 C.F.R. § 1.56.

---

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate listed below, or under § 365(a) of any PCT international application listed below designating least one country other than the United States of America, and have identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application No.</u>	<u>Country</u>	<u>Filing Date</u> (mm/dd/yy)	<u>Priority Claimed</u>	<u>Cert. copy Attached</u>
N/A				

---

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>Provisional Application No.</u>	<u>Filing Date</u> (mm/dd/yy)

---

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below, or under § 365(c) of any PCT international application listed below designating the United States of America, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Parent Application No.</u>	<u>Filing Date</u> (mm/dd/yy)	<u>Parent Patent No. (if applicable) or Status</u>
N/A		

The Assignee hereby revokes any previous Powers of Attorney and appoints Jeffrey C. Hood, Reg. No. 35,198, Kevin L. Daffer, Reg. No. 34,146, B. Noël Kivlin, Reg. No. 33,929, Robert C. Kowert, Reg. No. 39,255, Eric B. Meyertons, Reg. No. 34,876 and David A. Rose, Reg. No. 26,223, each said attorneys being members or associates of the firm of Conley, Rose & Tayon, P.C., as attorney or agent for so long as they remain with such company or firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent.

Please direct all communications to:

Jeffrey C. Hood  
Conley, Rose & Tayon, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Phone: (512) 476-1400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: \_\_\_\_\_ Darren Schmidt \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: \_\_\_\_\_ Cedar Park, TX \_\_\_\_\_ Citizenship: \_\_\_\_\_ USA \_\_\_\_\_

Post Office and Residence Address: \_\_\_\_\_ 2408 Little Creek cove, Cedar Park, TX 78613 \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: \_\_\_\_\_ Ram Rajagopal \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: \_\_\_\_\_ South River, NJ \_\_\_\_\_ Citizenship: \_\_\_\_\_ Brazil \_\_\_\_\_

Post Office and Residence Address: \_\_\_\_\_ 39 Constitution Way, South River, NJ 08882 \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: \_\_\_\_\_ Lothar Wenzel \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: \_\_\_\_\_ Round Rock, TX \_\_\_\_\_ Citizenship: \_\_\_\_\_ German \_\_\_\_\_

Post Office and Residence Address: \_\_\_\_\_ 16908 Bar Harbor Bend, Round Rock, TX 78681 \_\_\_\_\_  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Dinesh Nair

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Austin, TX Citizenship: Indian

Post Office and Residence Address: 4533 Columbine Drive, Austin, TX 78727  
(Include number, street name, city, state and zip code)

## Jeannie Miranda

---

**From:** Jeannie Miranda  
**Sent:** Monday, December 06, 2004 3:20 PM  
**To:** 'dinesh.nair@ni.com'  
**Cc:** Mark Williams  
**Subject:** FW: ram's signature for matter 5150-52200: random curve finding...  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Dinesh:

Did you have any luck contacting Ram? I have not received the signed Supplemental Declaration from him yet. The issue fee is due on 1/8/05.

Thanks,  
Jeannie

-----Original Message-----

**From:** Jeannie Miranda  
**Sent:** Saturday, October 23, 2004 3:04 PM  
**To: Cc:** Mark Williams  
**Subject:** RE: ram's signature for matter 5150-52200: random curve finding...

Dear Dinesh:

Attached is an email sent to Ram Rajagopal today. I sent the email to [rambr@yahoo.com](mailto:rambr@yahoo.com) and will send the paper correspondence on Monday to the address you provided below. If you know of a more current email for Ram, please let me know.

Thank you for following up with Ram on our behalf.

Sincerely,  
Jeannie

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**From:** Mark Williams  
**Sent:** Wednesday, September 15, 2004 10:00 AM  
**To:** Jeannie Miranda  
**Cc:** 'dinesh.nair@ni.com'  
**Subject:** FW: ram's signature for matter 5150-52200: random curve finding...

Jeannie,  
Would you please email *and* mail formal papers yet again to Ram?  
(and please email Dinesh when you do).

Just let me know if you have any questions.

Thanks!

Mark

-----Original Message-----

**From:** dinesh.nair@ni.com [mailto:[dinesh.nair@ni.com](mailto:dinesh.nair@ni.com)]

**Sent:** Wednesday, September 15, 2004 9:58 AM  
**To:** Mark Williams  
**Subject:** Re: ram's signature for matter 5150-52200: random curve finding...

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Ram Rajagopal  
39 Constitution Way  
South River, NJ 08882

Let me know when you have mailed them to him. I'll follow up after that.

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Dinesh

"Mark Williams" <mwilliams@intprop.com>

09/13/2004 03:11 PM

To <dinesh.nair@ni.com>

cc

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Mark

Mark S. Williams  
Patent Agent  
Meyertons, Hood, Kivlin, Kowert and Goetzl, P.C.  
700 Lavaca, Suite 800  
Austin, TX 78701  
512.853.8825  
E-mail: mwilliams@intprop.com

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## Jeannie Miranda

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**From:** Jeannie Miranda  
**Sent:** Monday, December 06, 2004 3:46 PM  
**To:** 'dinesh.nair@ni.com'  
**Cc:** Mark Williams  
**Subject:** RE: FW: ram's signature for matter 5150-52200: random curve finding...

Thanks, Dinesh! We are grateful for your help.

-----Original Message-----

**From:** dinesh.nair@ni.com [mailto:[dinesh.nair@ni.com](mailto:dinesh.nair@ni.com)]  
**Sent:** Monday, December 06, 2004 3:33 PM  
**To:** Jeannie Miranda  
**Cc:** Mark Williams  
**Subject:** Re: FW: ram's signature for matter 5150-52200: random curve finding...

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Regards,  
Dinesh

"Jeannie Miranda" <[jmiranda@intprop.com](mailto:jmiranda@intprop.com)>

12/06/2004 03:19 PM

To <[dinesh.nair@ni.com](mailto:dinesh.nair@ni.com)>

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Attached is an email sent to Ram Rajagopal today. I sent the email to [rambr@yahoo.com](mailto:rambr@yahoo.com) and will send the paper

correspondence on Monday to the address you provided below. If you know of a more current email for Ram, please let me know.

Thank you for following up with Ram on our behalf.

Sincerely,  
Jeannie

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Mark S. Williams  
Patent Agent  
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----- Message from "Jeannie Miranda" <jmiranda@intprop.com> on Sat, 23 Oct 2004 13:57:34 -0600 -----

**To:** <rambr@yahoo.com>  
**Subject:** Supplemental Declaration for 5150-52200

RE: U. S. Patent Application Serial No. 09/894,497 Entitled "SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES"

-- Rajagopal et al. (Atty. Dkt. No. 5150-52200)

Dear Ram:

Attached is a Supplemental Declaration for your signature in the above-reference matter. Originally, you signed a Declaration for this patent application in June of 2001. At the Patent Office's request, we have updated the Declaration to reflect your correct citizenship and your current address. If you need to make any handwritten changes to the Supplemental Declaration, please be sure to initial those changes or the Patent Office will not accept the document.

Please return the signed Supplemental Declaration to us as soon as possible. For your convenience, I have also sent by regular U.S. Mail a copy of the Supplemental Declaration, along with a self-addressed stamped envelope, to you at the following address:

39 Constitution Way  
South River, NJ 08882

Please let us know if you have questions or need further information. Thank you very much for your kind cooperation.

Jeannie Miranda  
Legal Assistant to Jeffrey C. Hood

<<Supple.DEC&POA.522.doc>>

Jeannie Miranda

Legal Assistant to Jeffrey C. Hood

Meyertons Hood Kivlin Kowert & Goetz PC

700 Lavaca, Suite 800, Austin, Texas 78701

Direct Dial: (512) 853-8821 Facsimile: (512) 853-8801

Email: [jmiranda@intprop.com](mailto:jmiranda@intprop.com)

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## Jeannie Miranda

---

**From:** Jeannie Miranda  
**Sent:** Wednesday, December 29, 2004 1:31 PM  
**To:** 'dinesh.nair@ni.com'  
**Cc:** Mark Williams  
**Subject:** RE: FW: ram's signature for matter 5150-52200: random curve finding...

Dinesh,

We have not received the signed declaration from Ram yet and the January 10th deadline is fast approaching. Do you have a telephone address so that we may call him? Thank you.

Sincerely,  
Jeannie Miranda

-----Original Message-----

**From:** dinesh.nair@ni.com [mailto:[dinesh.nair@ni.com](mailto:dinesh.nair@ni.com)]  
**Sent:** Monday, December 06, 2004 3:33 PM  
**To:** Jeannie Miranda  
**Cc:** Mark Williams  
**Subject:** Re: FW: ram's signature for matter 5150-52200: random curve finding...

Jeannie,

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Regards,  
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"Jeannie Miranda" <[jmiranda@intprop.com](mailto:jmiranda@intprop.com)>

12/06/2004 03:19 PM

To <[dinesh.nair@ni.com](mailto:dinesh.nair@ni.com)>

cc "Mark Williams" <[mwilliams@intprop.com](mailto:mwilliams@intprop.com)>

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-----Original Message-----

**From:** Jeannie Miranda  
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**To: Cc:** Mark Williams

**Subject:** RE: ram's signature for matter 5150-52200: random curve finding...

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Sincerely,  
Jeannie

-----Original Message-----

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(and please email Dinesh when you do).

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09/13/2004 03:11 PM

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Mark S. Williams  
Patent Agent  
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----- Message from "Jeannie Miranda" <[jmiranda@intprop.com](mailto:jmiranda@intprop.com)> on Sat, 23 Oct 2004 13:57:34 -0600 -----

**To:** <[rambr@yahoo.com](mailto:rambr@yahoo.com)>  
**Subject:** Supplemental Declaration for 5150-52200

**RE: U. S. Patent Application Serial No. 09/894,497 Entitled "SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES"**

-- Rajagopal et al. (Atty. Dkt. No. 5150-52200)

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Legal Assistant to Jeffrey C. Hood

<<Supple.DEC&POA.522.doc>>

Jeannie Miranda  
Legal Assistant to Jeffrey C. Hood  
Meyertons Hood Kivlin Kowert & Goetzel PC  
700 Lavaca, Suite 800, Austin, Texas 78701  
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## Jeannie Miranda

---

**From:** dinesh.nair@ni.com  
**Sent:** Wednesday, December 29, 2004 1:48 PM  
**To:** rambr@yahoo.com  
**Cc:** Jeannie Miranda  
**Subject:** Fw: ram's signature for matter 5150-52200: random curve finding...

Ram,

The deadline for filing is fast approaching. Can you please sign the papers and send it to Jeannie.

Thanks,  
Dinesh

----- Forwarded by Dinesh Nair/AUS/NIC on 12/29/2004 01:46 PM-----

"Jeannie Miranda" <jmiranda@intprop.com>  
To <dinesh.nair@ni.com>  
12/29/2004 01:31 PM cc "Mark Williams" <mwilliams@intprop.com>  
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K I V L I N  
K O W E R T  
& G O E T Z E L  
A PROFESSIONAL CORPORATION

700 LAVACA, SUITE 800  
AUSTIN, TEXAS 78701-3102  
TELEPHONE (512) 853-8800  
FACSIMILE (512) 853-8801  
[www.intprop.com](http://www.intprop.com)

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(512) 853-8821  
[jmiranda@intprop.com](mailto:jmiranda@intprop.com)

5150-52200

December 29, 2004

**VIA OVERNIGHT MAIL**

Mr. Ram Rajagopal  
39 Constitution Way  
South River, NJ 08882

RE: U. S. Patent Application Serial No. 09/894,497 Entitled "SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES" --  
Rajagopal et al. (Atty. Dkt. No. 5150-52200)

Dear Ram:

Enclosed is a Supplemental Declaration for your signature in the above-referenced matter. Originally, you signed a Declaration for this patent application in June of 2001. At the Patent Office's request, we have updated the Declaration to reflect your correct citizenship and your current address. If you need to make any handwritten changes to the Supplemental Declaration, please be sure to initial those changes or the Patent Office will not accept the document.

Please return the signed Supplemental Declaration to us as soon as possible. Our deadline to file the Supplemental Declaration is January 8, 2005. Enclosed is a Federal Express Mail envelope and self-addressed label for your convenience. Thank you very much for your kind cooperation.

Very truly yours,

Jeannie Miranda  
Legal Assistant

/jam  
Enclosures



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466

**SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "**SYSTEM AND METHOD FOR CURVE FITTING USING RANDOMIZED TECHNIQUES**," the specification of which:

is attached hereto.  
 was filed on June 28, 2001 as Application Serial No. 09/894,497  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in 37 C.F.R. § 1.56.

---

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate listed below, or under § 365(a) of any PCT international application listed below designating least one country other than the United States of America, and have identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on which priority is claimed.

<u>Prior Foreign Application No.</u>	<u>Country</u>	<u>Filing Date</u> (mm/dd/yy)	<u>Priority Claimed</u>	<u>Cert. copy Attached</u>
N/A				

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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

<u>Provisional Application No.</u>	<u>Filing Date</u> (mm/dd/yy)

---

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below, or under § 365(c) of any PCT international application listed below designating the United States of America, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Parent Application No.</u>	<u>Filing Date</u> (mm/dd/yy)	<u>Parent Patent No. (if applicable) or Status</u>
N/A		

The Assignee hereby revokes any previous Powers of Attorney and appoints Jeffrey C. Hood, Reg. No. 35,198, Kevin L. Daffer, Reg. No. 34,146, B. Noël Kivlin, Reg. No. 33,929, Robert C. Kowert, Reg. No. 39,255, Eric B. Meyertons, Reg. No. 34,876 and David A. Rose, Reg. No. 26,223, each said attorneys being members or associates of the firm of Conley, Rose & Tayon, P.C., as attorney or agent for so long as they remain with such company or firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent.

Please direct all communications to:

Jeffrey C. Hood  
Conley, Rose & Tayon, P.C.  
P.O. Box 398  
Austin, Texas 78767-0398  
Phone: (512) 476-1400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Darren Schmidt

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Cedar Park, TX Citizenship: USA

Post Office and Residence Address: 2408 Little Creek cove, Cedar Park, TX 78613  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Ram Rajagopal

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: South River, NJ Citizenship: Brazil

Post Office and Residence Address: 39 Constitution Way, South River, NJ 08882  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Lothar Wenzel

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Round Rock, TX Citizenship: German

Post Office and Residence Address: 16908 Bar Harbor Bend, Round Rock, TX 78681  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Dinesh Nair

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Austin, TX Citizenship: Indian

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## **Jeannie Miranda**

---

**From:** Jeannie Miranda  
**Sent:** Thursday, December 30, 2004 8:55 AM  
**To:** Mark Brightwell  
**Cc:** Mark Williams  
**Subject:** RE: 5150-52200 Ram Rajagopal

Mark B.,

I heard from the gentleman you called yesterday. He said he was not the Ram we are seeking.

Jeannie

-----Original Message-----

**From:** Mark Brightwell  
**Sent:** Wednesday, December 29, 2004 2:34 PM  
**To:** Mark Williams; Jeannie Miranda  
**Subject:** 5150-52200 Ram Rajagopal

Hi Mark,

I just left a voice mail message with the Ramkumar Rajagopal in Piscataway, NJ at 732-752-5568 inquiring whether he is our Ram Rajagopal of NI fame. The voice on the voice mail didn't sound very much like our Ram.

Thanks,  
Mark

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